

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

In The Matter Of:)	
)	Case Number: 16-10552-399
Michael Stephen Kelley,)	
)	Chapter 7
Debtor.)	
)	
The Bank of New York Mellon FKA The)	Motion No. 67
Bank of New York, as trustee for the)	
certificateholders of CWABS INC., Asset-)	
Backed Certificates, Series 2007-12,)	Hearing Date: June 12, 2017
)	Hearing Time: 1:45 PM
Movant,)	Objection Deadline: June 5, 2017
)	
vs.)	
)	
Michael Stephen Kelley and)	
Tom K. O'Loughlin, Trustee,)	
)	
Respondents.)	

ORDER GRANTING MOTION FOR RELIEF FROM STAY

The Motion for Relief from the Automatic Stay, filed by Movant, The Bank of New York Mellon FKA The Bank of New York, as trustee for the certificateholders of CWABS INC., Asset-Backed Certificates, Series 2007-12 having been called for hearing on June 12, 2017. Present were Ms. Cynthia Woolverton, Counsel for Movant and Debtor, Mr. Michael Stephen Kelley. No other parties appeared. Upon consideration of the pleadings and the record as a whole, the Court finds and concludes that the Movant has a security interest in the following property commonly known as: **Route #1 Box 141, Ellsinore, MO 63937** and more particularly described as:

ALL THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 27 NORTH, RANGE 2 EAST OF THE FIFTH PRINCIPAL MERIDIAN, OF CARTER COUNTY, STATE OF MISSOURI, WHICH IS DESCRIBED AS FOLLOWS: FROM THE SOUTHWEST COMER OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, MEASURE EAST ALONG AND WITH THE SECTION LINE A DISTANCE OF 502.3 FEET (7 CHAINS AND 61 LINKS) TO A DEED CORNER; THENCE, MEASURE NORTH 26 DEGREES 03'

WEST A DISTANCE OF 460.6 FEET (FORMERLY RECORDED N 29 DEGREES WEST 7 CHAINS 05 LINKS) TO A RAILROAD IRON AT THE POINT OF BEGINNING; THENCE, NORTH 67 DEGREES 37' EAST A DISTANCE OF 658.5 FEET (FORMERLY RECORDED N 68 DEGREES EAST 10 CHAINS) TO AN IRON BAR; THENCE NORTH 26 DEGREES 03' WEST A DISTANCE OF 241.4 FEET TO AN IRON PIN ON THE SOUTH RIGHT-OF-WAY LINE OF A COUNT ROAD; THENCE, SOUTH 69 DEGREES 56' WEST ALONG AND WITH SAID RIGHT-OF-WAY LINE A DISTANCE OF 114.9 FEET; THENCE, SOUTH 64 DEGREES 45' WEST ALONG AND WITH SAID RIGHT-OF-WAY LINE A DISTANCE OF 482.7 FEET; THENCE, SOUTH 83 DEGREES 53 ' WEST ALONG AND WITH SAID RIGHT-OF-WAY LINE A DISTANCE OF 64.1 FEET TO A DEED LINE; THENCE, SOUTH 26 DEGREES 03' EAST (FORMERLY RECORDED S 29 DEGREES EAST) A DISTANCE OF 240.0 FEET TO THE POINT OF BEGINNING, CONTAINING 3.552 ACRES, SUBJECT TO UTILITY EASEMENTS OR RIGHTS-OF-WAY, IF ANY.


The Court further finds and concludes that there is no equity in this property for the benefit of the bankruptcy estate; that Movant has not been afforded adequate protection for its interest and that said property is not necessary for an effective reorganization. It is therefore,

ORDERED that the Motion for Relief from Stay is hereby **GRANTED** in that the stay provided for by Section 362 of Title 11, United States Code, is terminated to permit the Movant, or its successors and assigns to foreclose its security interest in the herein described property and to pursue its remedies in accordance with the security agreement and state law including obtaining possession of the property after foreclosure. It is further

ORDERED that relief from the automatic stay is granted to Movant, or its successors and assigns effective immediately and that relief from the automatic stay is not stayed for fourteen (14) days pursuant to Rule 4001. It is further

ORDERED that the property be deemed abandoned by the Chapter 7 Trustee as an asset of the bankruptcy estate effective upon entry of this Order. All further relief prayed for by Movant is hereby DENIED.

DATED: Jun 27, 2017
St. Louis, Missouri
snm


Barry S. Schermer
United States Bankruptcy Judge

Order Prepared and Submitted by:
Millsap & Singer, LLC

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